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COMMISSION ON HUMAN RIGHTS

Fifty-sixth session

SUMMARY RECORD OF THE 1st MEETING

Held at the Palais des Nations, Geneva,
on Monday, 20 March 2000, at 10.30 a.m.

Temporary Chairperson:	Ms. ANDERSON	(Ireland)
Chairman:	Mr. SIMKHADA	(Nepal)

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The meeting was called to order at 10.40 a.m.

OPENING OF THE SESSION

1. The TEMPORARY CHAIRPERSON declared open the fifty-sixth session of the Commission on Human Rights.

2. She hoped it would be possible for the Commission to take some practical steps during the current session to strengthen the protection of human rights defenders who were so courageous but also so vulnerable. History was on the side of human rights and the United Nations, as the custodian of universal values, had a unique responsibility therefor. The Commission, if it was to be credible and effective, must offer responses adapted to the needs of specific situations.

3. There must be no grounds for charges of selectivity: the moral outrage provoked by the Kosovo crisis must be maintained when confronting conflict situations in other parts of the world. Discomfort about criticizing the powerful nations of the world, if allowed to blunt the Commission's conscience, would corrode its authority. Moreover, the fact that a situation was being given little coverage by the mass media should not mean that it was overlooked by the Commission.

4. The Commission had the responsibility of helping to shape the changes brought about by, inter alia, the communications revolution and the steady development of international law. Above all, every individual had to be true to human values, the sense of human worth and the claim to human dignity if he or she was to live in peace with himself or herself.

STATEMENT BY THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

5. Mrs. ROBINSON (United Nations High Commissioner for Human Rights) said that the Commission's first session in a new century was a good time to recognize the central role played by human rights in international and national life, to appreciate what had been achieved over more than half a century and to assess the key challenges.

6. When the Commission had first begun its endeavours, it had committed itself to the establishment and implementation of an international bill of human rights. The result had been the Universal Declaration of Human Rights and the covenants and treaties that had been elaborated with the Commission's assistance. However, their implementation remained a challenge.

7. The Commission had been the central architect of United Nations work in the field of human rights. It embodied the conscience of humanity and the aspiration for a world of peace and development grounded in respect for human rights. The prestigious representatives from every region of the world who had attended the Commission's first session would undoubtedly be shocked by the current inequalities of the world, where a billion people lacked access to clean water and where thousands of children died each day from preventable diseases. The eradication

of extreme poverty was the greatest human rights challenge, and the Commission had the responsibility to develop the human rights framework within which it could be achieved.

8. Although great strides had been made in developing international norms, the challenges were still as great as they had been in 1945: to secure peace throughout the world on the foundation of human rights and to cooperate for accelerated economic and social progress, so that every person and every country could prosper in dignity, equality and enjoyment of the right to development.

9. With regard to the quest for peace, she invited the Commission to consider how human rights strategies could help prevent conflicts and how gross violations of human rights could be prevented through national, regional and international endeavours. The collective capacity for conflict prevention must be developed, and the gap between early warning and response must be bridged. War, internal conflicts, displacement of populations within and across borders and wanton breaches of human rights and humanitarian norms remained a feature of the times.

10. The Commission's fifty-fifth session had been held at the height of the conflict in Kosovo. She had submitted a series of reports to the Commission demonstrating her concern that the conflict was victimizing people on all sides and of all ethnic groups and had urged that a peaceful solution be reached that would respect human rights. Unfortunately, sustainable peace and respect for human rights had not come to Kosovo, in spite of the best efforts of the United Nations team there.

11. In June 1999, she had visited Sierra Leone in order to bear witness to the terrible suffering of the people of that country. The atrocities that had been perpetrated there were an affront to the conscience of the world. Yet, as was clear from the Secretary-General's report to the Security Council on civilians in armed conflict, the gross human rights violations committed in Sierra Leone were far from unique. Civilians had come to be regarded as legitimate instruments of terror, in blatant denial of the most fundamental human rights.

12. In recent months there had been well-documented allegations of serious human rights abuses in Chechnya, in the Russian Federation. She welcomed the fact that the authorities of the Russian Federation had agreed to allow her to visit the area. The civilian population was clearly facing a catastrophic situation as a result of the conflict. She would report to the Commission upon her return.

13. All allegations of gross violations must be rigorously and independently investigated. If they were proven to be well-founded, those responsible must be pursued and brought to justice. There must be no selectivity, no sanctuary and no impunity for those guilty of gross human rights violations. It was essential that the aftermath of serious and widespread human rights violations was dealt with, not only to secure the future peace of the societies concerned but also as a deterrent.

14. In September 1999, a special session of the Commission had been held to consider the situation in East Timor. She had visited the region in order to assess the situation and show solidarity with the thousands of innocent victims. The report of the Commission of Inquiry, set up as recommended at that session, had been submitted. Efforts were being made in East Timor

and Indonesia to bring to justice those responsible for the serious human rights violations and deal with the need for reconciliation within the framework of justice and truth. Credible and effective procedures were essential. United Nations assistance had been requested by both Indonesia and East Timor in that regard, and was being given high priority. Further information would be submitted to the Commission on developments relating to the situation in East Timor.

15. The Commission had before it some three dozen reports making up a global survey of shocking violations of human rights, including violations of economic, social and cultural rights. It was a healthy development that the Commission currently examined violations of economic, social and cultural rights as well as violations of civil and political rights. She hoped that, as it considered the reports, the Commission would indicate approaches and strategies for action to prevent such violations in each of the areas drawn to its attention. Only if such gross violations could be prevented would a universal culture of human rights be secured.

16. Such a universal culture could not exist in the midst of rampant global poverty. That was an issue which preoccupied the United Nations at large, its specialized agencies, other international and regional organizations, Governments and non-governmental organizations (NGOs). In its early days, the Commission had drafted the International Covenant on Economic, Social and Cultural Rights alongside the International Covenant on Civil and Political Rights. It had also initiated and drafted the Declaration on the Right to Development.

17. The Commission had currently the opportunity to provide leadership in making that human rights framework relevant to the forthcoming series of high-level meetings: the five-year review of the Beijing commitment to women's rights as human rights, the Social Summit to be held at Geneva in June 2000 and the millennium assembly in September 2000.

18. As it charted a course for dealing with the right to development and the realization of economic, social and cultural rights, the Commission would need to go beyond mere exhortations and identify the specificity of its contribution in that area. Some salient concepts would need to be borne in mind. In the first place, the reasoning of the international human rights movement and the explicit affirmation of the Declaration on the Right to Development was that primary responsibility to act for the realization of the right to development and in defence of economic, social and cultural rights rested with Governments. That reasoning remained valid in a rapidly globalizing society. While other actors, such as corporations, increasingly had a role to play, the primary responsibility still remained with national Governments.

19. The second concept was that Governments should pursue national plans and strategies aimed at the implementation of each of the rights in the International Covenant on Economic, Social and Cultural Rights as well as in the International Covenant on Civil and Political Rights.

20. The third concept was that of non-discrimination. The International Covenant on Economic, Social and Cultural Rights prescribed that a Government must use its best endeavours to achieve realization of each economic, social and cultural right by progressive measures. It also insisted that there should be no discrimination: if part of the population were being discriminated against by commission or omission, then immediate corrective measures must be put in place.

21. The fourth concept was that of international cooperation. The Covenant prescribed that the Economic and Social Council should lead efforts for international cooperation, including technical cooperation, and the contribution of the United Nations specialized agencies. It was partly for that reason that she had devoted her 1999 report to the Council to the realization of economic, social and cultural rights.

22. The fifth concept was provided in article 28 of the Universal Declaration of Human Rights, which called for a social and international order in which human rights and fundamental freedoms could be fully realized. From that perspective, the Commission had the responsibility of drawing attention to the impact of the prevailing international economic system on the realization of human rights. The widening gap between the richest and poorest countries, aggravated by the gap in access to information technology, was a fundamental human rights issue.

23. Awareness of those concepts would help sharpen the human rights dimension in poverty-alleviation strategies. It would also help to make the efforts of the working group on the right to development and the Committee on Economic, Social and Cultural Rights both relevant and practical. Human rights must be mainstreamed in the development process and kept at the forefront of government strategies.

24. Among the pressing human rights issues which needed practical attention was the phenomenon of trafficking in women and children, which went against the grain of any concept of human dignity or rights. The United Nations was currently working to strengthen protection against trafficking in human beings, and she appealed to the Commission to help raise the profile of the issue and contribute to the eradication of trafficking.

25. With regard to the rights of the child, welcome breakthroughs had been made in the agreement on the draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts and substantial progress had been made on the draft optional protocol on the sale of children. Nevertheless, slavery and slavery-like practices persisted in many parts of the world and were documented yearly by the Sub-Commission's Working Group on Contemporary Forms of Slavery. She appealed to the conscience of the Commission to act against that dreadful phenomenon.

26. Racism, racial discrimination, anti-Semitism and similar discriminatory practices still abounded. She looked forward to the support of the Commission in making the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance a truly outstanding and effective event.

27. She also wished to draw attention to the plight of minorities, indigenous peoples and migrant workers, all of which groups suffered discrimination and degradation and needed special protection. She called for the consideration and adoption of the draft declaration on the rights of indigenous populations to be accelerated. She further appealed for additional ratifications of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, with the view to strengthening the international legal regime for the protection of the people concerned.

28. There was a compelling need to take further steps to protect human rights defenders. The Declaration on Human Rights Defenders, which had been adopted by the Commission in 1998, must be implemented by means of practical measures.

29. Developing strategies in her Office proceeded from the premise that Governments must be supported in their national strategies for the promotion and protection of human rights. Emphasis was therefore being placed on support to Governments for ratifications, national plans of action, national institutions for the promotion and protection of human rights, regional and international exchanges of experience, technical cooperation at the request of Governments and the development of field presences where they were found useful.

30. Those themes had been highlighted in the first annual appeal she had launched at the beginning of 2000, and took centre stage in the regional and subregional activities being organized in different parts of the world. Substantial field offices were in place in several countries and field programmes or offices in a number of others.

31. Her Office was working closely with the Department of Peacekeeping Operations and the Department of Political Affairs in the design, staffing, strategies and operation of human rights components of peacekeeping and peace-building operations. It was participating in early-warning committees at United Nations Headquarters, cooperating with the Office of the Secretary-General on early warning and prevention and working closely with the Office for the Coordination of Humanitarian Affairs (OCHA) in responding to emergencies. It was also working closely with the United Nations Development Programme (UNDP), and welcomed the fact that the Human Development Report for 2000 would focus on human rights. Its relationship with the specialized agencies and the World Bank had intensified, and it cooperated with regional organizations on mainstreaming human rights and conflict prevention and the development process. The Commission had been active in many of those fields, and in providing guidance to her Office.

32. The responsibility of the Commission was of the highest order. It had a tradition of constructive contribution that must be built upon: it was and must remain an organ of conscience and justice. There were many urgent problems to be addressed, and the mainstreaming of human rights was of prime importance. She was confident that the high standards of the Commission's work would be maintained, and encouraged its members to continue to provide the strong leadership in human rights which the world required of it, and which was needed more than ever.

ELECTION OF OFFICERS (item 1 of the provisional agenda)

33. The TEMPORARY CHAIRPERSON invited the Commission to turn to item 1 of its provisional agenda (Election of officers).

34. Mr. WIRAJUDA (Indonesia), speaking on behalf of the Asian Group, nominated Mr. Simkhada (Nepal) for the office of Chairman.

35. Mr. SOMOL (Czech Republic), speaking on behalf of the Eastern European Group, Mr. AYEWOH (Nigeria), speaking on behalf of the African Group, Ms. GLOVER (United Kingdom of Great Britain and Northern Ireland), speaking on behalf of the Western European and Others Group, and Mr. RODRÍGUEZ CEDEÑO (Venezuela), speaking on behalf of the Latin American and Caribbean Group, supported the nomination.

36. Mr. Simkhada (Nepal) was elected Chairman by acclamation.

37. Mr. Simkhada (Nepal) took the Chair.

38. The CHAIRMAN invited nominations for the three offices of Vice-Chairman and for the office of Rapporteur.

39. Mr. PADILLA MENENDEZ (Guatemala), speaking on behalf of all the regional groups, nominated Mr. Jakubowski (Poland), Mr. Ibrahim (Sudan) and Mr. Rodriguez Cedeño (Venezuela) for the office of Vice-Chairman and Ms. Gervais-Vidricaire (Canada) for the office of Rapporteur.

40. Mr. Jakubowski (Poland), Mr. Ibrahim (Sudan) and Mr. Rodriguez Cedeño (Venezuela) were elected Vice-Chairmen by acclamation and Ms. Gervais-Vidricaire (Canada) was elected Rapporteur by acclamation.

STATEMENT BY THE CHAIRMAN

41. The CHAIRMAN said that his country, which had been living in "splendid isolation" at the time of the adoption of the Universal Declaration of Human Rights, had since become a constitutional monarchy with a multiparty democracy, adult franchise, an independent judiciary and basic human rights. He took it as a compliment to the small Himalayan Kingdom that he had been elected to preside over the fifty-sixth session of the Commission, which was taking place at the crossroads of the twentieth and twenty-first centuries.

42. The Secretariat had to operate within strict limitations of resources and manpower. If the increasing demand for services was to be fulfilled, the level of resources available to the Office of the High Commissioner must be enhanced. He therefore pledged SwF 10,000 as a token of support from his Government for the High Commissioner's Consolidated Inter-agency Appeal (CAP) 2000.

43. As many as 1.2 billion people - one in every five of the human family - lived in a state of poverty, engaged in a constant struggle for food, education and health. The recent humanitarian tragedies in Mozambique and Madagascar should not overshadow the deprivation in which their peoples constantly lived. He also deplored the gross violations in conflict situations and the range of abuses of civil and political rights, including discrimination based on race, religion and related intolerance. The victims of both destitution and persecution deserved better protection.

44. There had, however, also been some important achievements in the course of the long journey towards freedom from fear and want. The importance of human ingenuity for economic prosperity and freedom had been realized to a remarkable extent. Significant gains had been

made in social development through the actions of Governments, organizations and individuals. The Commission had played an important role in that regard. The work on the draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts, the appointment of the Chairman of the working group on the right to development and the report of the Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission clearly demonstrated that the consensus and cooperation approach could bear fruit. The real challenge to the members of the Commission was to understand the realities of the global village, respecting inherent differences but trying to bridge any gaps.

45. He would follow the tradition of his predecessors in starting on time, insisting on adherence to time limits for speeches, maintaining quiet within the hall and encouraging joint statements in order to save time and resources. Serious problems should be discussed with objectivity but without selectivity and there should be greater self-appraisal, making the Commission a forum for dialogue and cooperation. Consensus should be built around the core of the shared values of humanity, beginning in the soul of each individual and finding its collective expression in the Commission and beyond. The Asian approach of tolerance and respect could best inspire the quest for the universal realization of dignity and rights for all human beings.

ADOPTION OF THE AGENDA (item 2 of the provisional agenda) (E/CN.4/2000/1 and Add.1)

46. The CHAIRMAN drew attention to the provisional agenda (E/CN.4/2000/1) prepared by the Secretary-General pursuant to rule 5 of the rules of procedure.

47. The agenda was adopted.

The meeting rose at 11.55 a.m.